UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:13-CR-287-F2

UNITED STATES OF AMERICA)	
)	
v.)	ORDER
)	
TAUREEN A. GHEE,)	
Defenda	ant.)	

This matter is before the court *sua sponte*. On May 13, 2014, the court sentenced Ghee to, among other things, 24 months custody, a three year term of supervised release, and ordered that he pay \$167,320.00 in restitution. The court made a arithmetic error calculating Ghee's restitution amount. The total restitution should have been \$167,500.00

Rule 35(a) of the Federal Rules of Criminal provides that "[w]ithin 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error." Fed. R. Crim. P. 35(a). Interpreting this language, the Fourth Circuit has held that it applies to "those cases in which an obvious error or mistake has occurred in the sentence" but it is not intended "to permit the district court simply to change its mind about the appropriateness of the sentence." *United States v. Fraley*, 988 F.2d 4, 7 (4th Cir. 1993) (internal quotation marks omitted).

Here, the court made a minor arithmetical error in calculating Ghee's restitution. The court was provided with a thirty-seven page list of individual victims and the amounts owed to each victim and the court had to calculate the total restitution from that list. The court's original calculation was off by \$180; Ghee's restitution amount should have been \$167,500.00. Because

the court discovered the error within 14 days of sentencing and it is an arithmetical error, the court may correct it under Rule 35.

The Clerk of Court is therefore DIRECTED to issue an amended judgment under Federal Rule of Criminal Procedure 35. The new restitution amount should be \$167,500.00. The judgment entered May 13, 2014 is RATIFIED in all other respects.

SO ORDERED.

This the day of May, 2014.

JAMES C. FOX

Senior United States District Judge